

CLERK'S OFFICE  
U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED  
March 27, 2025  
LAURA A. AUSTIN, CLERK  
BY: s/ M.Poff, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

TRACEY DARNELL TAYLOR, )  
Plaintiff, ) Civil Action No. 7:23-cv-00802  
)  
v. )  
CITY OF BUENA VISTA, *et al.*, ) By: Elizabeth K. Dillon  
Defendants. ) Chief United States District Judge  
)

**MEMORANDUM OPINION AND ORDER**

Tracey Darnell Taylor, a former Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Commonwealth Attorney Elrod, the City of Buena Vista, the Buena Vista Police Department, Chief of Police Richard Hartman, Assistant Chief of Police Jerry Miller, Supervisor of Patrol David Clemments, Cameron Wheeler, Robert Smith, and Christopher Plogger. The allegations arise from an incident at her home on December 3, 2022. Defendant Elrod moved to dismiss for lack of subject matter jurisdiction because of his entitlement to prosecutorial immunity and for failure to state a claim. (Dkt. No. 36.) The remaining defendants, collectively the Police Defendants, filed a motion to dismiss for failure to state a claim. (Dkt. No. 39.) The court issued *Roseboro* notices for both motions (Dkt. Nos. 38, 41). Those orders explained that if Taylor does not respond to the motions in a timely manner, the court will assume either that she lost interest in the case or that she agrees with what defendants state in their pleadings, and the case could be dismissed for failure to prosecute.

The time to respond has passed, and Taylor did not respond to defendants' motions. Accordingly, it is HEREBY ORDERED that this case is DISMISSED WITHOUT PREJUDICE for failure to prosecute. All pending motions are DISMISSED WITHOUT PREJUDICE as

moot. The Clerk is directed to STRIKE this case from the court's active docket and to transmit a copy of this order to Taylor and to all counsel of record.

Entered: March 27, 2025

*/s/Elizabeth K. Dillon*

Elizabeth K. Dillon  
Chief United States District Judge